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EVIDENCE—CORROBORATION BY PREVIOUS “CONSONANT STATEMENT.”—Plaintiff sued defendant company to recover for injuries due to latter’s alleged negligence, and testified that he was on a car at the time he was injured. Defendant introduced evidence of previous statements by plaintiff to the effect that he was not on the car at that time. In rebuttal plaintiff introduced a witness who testified that immediately after the accident plaintiff had stated to witness that he was on the car. The defendant objected to the admission of this evidence. *Held*, that though the evidence was open to objection on the ground that it was hearsay, yet it was admissible as tending to support the credibility of plaintiff, who had been impeached by the evidence as to his other statements. *Lyke v. Lehigh Valley R. Co.* (Pa. 1912) 84 Atl. 595.

For a discussion of the principles involved, see NOTE AND COMMENT, p. 239, ante.

EVIDENCE—SELF-CONTRADICTORY STATEMENTS.—On the trial of defendant for crime, the prosecution introduced evidence to the effect that defendant had left the place where the offense was alleged to have been committed at about one o’clock in the morning. A witness for the defendant then testified that the latter arrived at said defendant’s home at about twelve o’clock. This witness was then interrogated upon cross-examination as to whether he had not stated to one Johnson that he was asleep when defendant came home on the night in question. Upon denial by the witness of any such statement, said Johnson was called and testified that the witness had made such a statement to him. *Held*, that the reception of the prior contradictory statement of defendant’s witness was not error. *State v. Swartz* (Kan. 1912) 126 Pac. 1091.

In answer to the argument of appellant that the inquiry on cross-examination related to a collateral matter and that the prosecution was concluded by the denial, the court said, “The general rule is that a witness can be contradicted only upon some matter material and relevant to an issue in the case. A general test is: Could the fact, as to which the prior self-contradiction is predicated, have been shown in evidence for any purpose independent of the self-contradiction.” The court in considering the two classes of facts set forth in WIGMORE, EVIDENCE, § 1021, —, first, those relevant to the issue, and second, those discrediting the witness as bias, corruption, and, occasionally, want of skill or knowledge, and the like,—deemed the evidence in question admissible under each class, but with reference particularly to its admissibility under the second class, Justice BENSON used the following language, “That a person was asleep at the time of a transaction which he assumes to relate certainly tends to show lack of knowledge, and therefore to discredit his statements. The apparent repugnancy affects the credibility of the witness. When the physical condition of a witness is such as to render him incapable of perceiving, understanding, or remembering facts to which he has testified, such condition may be shown to impeach his credibility.” *Green v. Texas*, 53 Tex. Cr. Rep. 490, 110 S. W. 920, 22 L. R. A. N. S. 706, cited in the main case, while setting forth a principle applicable in a general manner to the case in hand, must be conceded to have some distinguishing features.